

Section 1213.00 Hazard Abatement Procedure¹⁷

1213.01-Duty of Owner, Lessee, Occupant of Property; County Rights A.R.S.11-268.

- A. This section of the Ordinance establishes the duty of all owners, lessees or occupants of buildings, grounds or lots located in the unincorporated areas of Yuma County to remove rubbish, trash, weeds, filth, debris, or dilapidated buildings which constitute a hazard to public health or a hazard to public safety from any and all buildings, grounds, lots, contiguous sidewalks, streets or alleys.
- B. This section of the Ordinance provides that if any person with an interest in the property, including an owner, lien holder, lessee or occupant of the buildings, grounds or lots, after notice as provided herein, does not remove the rubbish, trash, weeds, filth, debris or dilapidated buildings and abate the condition which constitutes a hazard to public health and safety, the county may, at the expense of the owner, lessee or occupant, remove, abate, enjoin or cause the removal of the rubbish, trash, weeds, filth, debris or dilapidated buildings.
- C. This section of the Ordinance establishes the right of the County to assess upon property the County's costs, including incidental and any associated legal costs, of the removal, abatement or injunction of rubbish, trash, weeds, filth, debris or dilapidated buildings from any lot or tract of land located in the unincorporated areas of the County.

1213.02 -Violation; Penalties

Any person, firm or corporation that places any rubbish, trash, filth or debris upon any private or public property located in the unincorporated areas of Yuma County not owned or under the control of the person, firm, or corporation is guilty of a class 1 misdemeanor and, in addition to any fine which may be imposed for a violation of any provision of this section, any person, firm, or corporation in violation of this section is liable for all costs which may be assessed pursuant to this section of the Ordinance for the removal of rubbish, trash, filth, or debris.

1213.03 - County Removal of Hazard

- A. If any person with an interest in the subject property, including an owner, lien holder, lessee or occupant of the buildings, grounds or lots, after notice as required by Section, 1213.04 (C), does not remove the rubbish, trash, weeds, filth, debris or dilapidated buildings and abate the condition which constitutes a hazard to public health and safety, the county may, at the expense of the owner, lessee or occupant, remove, abate, enjoin or cause the removal of the rubbish, trash, weeds, filth, debris or dilapidated buildings.
- B. As used in this section occupant does not include any corporation or association operating or maintaining rights-of-way for and on behalf of the United States government, either under contract or under federal law.

133-a

¹⁷ *Adopted by the Board of Supervisors March 3, 2003, effective April 4, 2003*

Section Continues...

Section 1213 Continued

- C. Before the removal of a dilapidated building the Board of Supervisors shall consult with the State Historic Preservation Officer to determine if the building is of historical value.
- D. If the County removes a dilapidated building pursuant to this section of the Ordinance, the County Assessor shall adjust the valuation of the property on the property assessment tax rolls from the date of removal.
- E. As used in this section, "dilapidated building" means any real property structure that is in such disrepair or is damaged to the extent that its strength or stability is substantially less than a new building or it is likely to burn or collapse and its condition endangers the life, health, safety or property of the public.

1213.04 - County Abatement Procedure**A. Complaint and Property Inspection:**

The Zoning Inspector shall review all alleged violations of this section of the Ordinance. Upon receiving a report or upon the Zoning Inspector's own discovery of a violation of any provision of this section of the Ordinance, the inspector shall inspect the site of the alleged violation. If a violation of this section is discovered a notice of abatement will be issued.

If the Zoning Inspector determines there is a violation of this section of the Ordinance, written notice shall be made to the owner, any lien holder, occupant or lessee not less than thirty days before the date set for compliance.

B. Content of Notice: The notice shall contain a minimum of the following:

1. The telephone number and address of the Department of Development Services;
2. The mailing address and assessor's parcel number of the property;
3. A brief description of the hazardous conditions which constitutes a violation of this section of the Ordinance and the actions necessary to correct the hazardous conditions;
4. A demand for the removal of the hazardous condition;
5. An estimate of the cost of County removal of the hazardous condition;
6. A date for compliance;
7. Reference to this section of the Ordinance and A.R.S. §11-268;
8. A Statement informing the violator of the right to appeal the notice of violation and any subsequent assessment to the Board of Supervisors;
9. A brief statement in the Spanish language approximately as follows: "This is an important notice. Your rights concerning the property located at (property address) may be effected. Please immediately contact (Zoning Inspector) at the Yuma County Department of Development Services, (telephone number)

133-b

Section Continues...

Section 1213 Continued

C. Service of Notice:

The Zoning Inspector shall either personally serve or mail by certified mail the notice to the owner, any lien holder, occupant or lessee. If served by certified mail, the notice shall be mailed to the owner, lien holder, occupant, or lessee's last known address or the address to which the tax bill for the property was last mailed. If the owner does not reside on the property, and is not the person being served with the notice of violation, a duplicate notice shall also be sent to the owner at the owner's last known address.

D. Estimated Cost of Abatement:

The notice of estimated cost of County removal shall include the estimated cost of the removal of the hazardous condition. In addition the notice shall state the actual costs of any additional inspections, incidental costs, and any associated legal costs will also be assessed upon the property if the hazardous condition is not removed by the violator within the prescribed period of time.

E. Hazard Abatement:

If the hazard has not been abated by the compliance date established in the notice, the County Zoning Inspector will issue an order of abatement directing the abatement of the property by the County within ten (10) days from that date.

1213.05 - Assessments

Once the hazardous condition has been removed, abated, or enjoined by the County, the actual costs of abatement, including the costs of additional inspections, incidental costs, and any associated legal fees shall be assessed upon the property from which the hazardous condition was removed, abated, or enjoined. The assessment shall in part consist of an itemized billing for all costs, the dates the costs were incurred, and the legal description of the property. The County shall record the assessment in the County Recorder's office for Yuma County. A copy of the recorded assessment shall be served upon the owner, any lien holder, occupant, or lessee in the manner set forth in Section 1213.04 (C) above, along with a written statement the assessment may be appealed to the Board of Supervisors.

Any assessment recorded after the effective date of this section of the Ordinance is prior and superior to all other liens, obligations or other encumbrances, except liens for general taxes and prior recorded mortgages. A sale of the property to satisfy an assessment obtained under the terms of this section of the Ordinance shall be made on a judgment of foreclosure and order of sale. The County may bring an action to enforce the lien in the superior court in the county in which the property is located at any time after the recording of the assessment, but failure to enforce the lien by such action does not affect its validity. The recorded assessment is prima facie evidence of the truth of all matters recited in the assessment and of the regularity of all proceedings before the recording of the assessment.

133-c
Section Continues...

Section 1213 Continued

Imposed assessments run against the property until they are paid and are due payable to the Yuma County Department of Development Services in equal annual installments as follows:

- A. Assessments of less than five hundred dollars shall be paid within one year after the assessment is recorded.
- B. Assessments of five hundred dollars or more but less than one thousand dollars shall be paid within two years after the assessment is recorded.
- C. Assessments of one thousand dollars or more but less than five thousand dollars shall be paid within three years after the assessment is recorded.
- D. Assessments of five thousand dollars or more but less than ten thousand dollars shall be paid within six years after the assessment is recorded.
- E. Assessments of ten thousand dollars or more shall be paid within ten years after the assessment is recorded.

A prior assessment for the purposes provided in this section of the Ordinance is not a bar to a subsequent assessment or assessments for such purposes and any number of liens on the same lot or tract of land may be enforced in the same action.

1213.06 - Appeal

The owner, any lien holder, lessee or occupant receiving a written notice or any subsequent assessments pursuant to this section of the Ordinance may appeal from both the notice or the assessments to the Yuma County Board of Supervisors in the following manner:

- A. All such appeals shall be filed in writing with the Clerk of the Board of Supervisors.
- B. For notices, the notice of appeal shall be filed with the Clerk of the Board not more than fifteen (15) calendar days after service of the violation notice. For appeal of assessments, the notice of appeal shall be filed with the Clerk of the Board not more than fifteen (15) calendar days after service of the recorded assessment.
- C. The filing of an appeal to an assessment has the effect of precluding the County from seeking a judgment of foreclosure and order of sale on the property until such time as the Board of Supervisors takes legal action on the appeal.
- D. The notice of appeal filed by the appellant shall identify the property and state clearly and succinctly all relevant facts and all reasons why the appellant should not be held responsible for the abatement or removal of the hazardous condition, or why the appellant should not be held responsible for any assessment subsequent to County removal, abatement, or injunction of the hazardous condition.

133-d
Section Continues...

Section 1213.00 Continued

- E. Upon receipt of the notice of appeal the Clerk of the Board of Supervisors shall schedule the matter for appeal to the Board of Supervisors within thirty (30) calendar days, or as soon thereafter as is practical.

The Clerk of the Board of Supervisors shall also transmit copies of the notice of appeal to the County Attorney and the Zoning Inspector. The Zoning Inspector shall transmit a certified copy of all public records regarding the case to the Clerk of the Board so they may be presented to the Board of Supervisors prior to the date set for the appeal.

- F. The Clerk of the Board shall notify the appellant, the Zoning Inspector, and the County Attorney of the date, time and place of the appeal hearing by certified mail unless waived by the parties at least ten (10) days prior to the date of the hearing.
- G. All appeals to the Board of Supervisors shall be upon the record. The Chairperson of the Board of Supervisors shall preside at all appeal hearings and shall decide all questions pertaining to procedure. Each party shall be allowed five minutes to present oral arguments. Time limits may be extended at the discretion of the Chairperson. All members of the Board of Supervisors shall be allowed to question all parties appearing before them. Decisions to reverse or modify the notice or assessment shall be decided upon motion and majority vote of the Board of Supervisors. Failure to obtain a majority vote to reverse or modify the violation notice or assessment shall be construed as upholding the notice or assessment.

1213.07 - Supercisions

This Amendment to the Yuma County Zoning Ordinance supercedes the existing Yuma County Hazard Abatement Ordinance #00-03 passed and adopted by the Yuma County Board of Supervisors on December 4th, 2000 and effective noon (MST) January 7, 2001.